

**STAMM, REYNOLDS & STAMM**  
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**GREGORY STAMM**  
**CARLA R. REYNOLDS**  
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**BRIAN G. STAMM**  
\*ALSO ADMITTED IN MASSACHUSETTS

**PHONE: 716-631-5767**  
**FAX: 716-631-5354**

July 22, 2005

2005 JUL 27 A 9:53  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Retha Dixon, Docket Manager  
Federal Election Commission  
Office of the General Counsel  
999 E Street, NW  
Washington, DC 20463

**RE: Resubmission of Complaint against Jack Davis, et al.**

Dear Ms. Dixon:

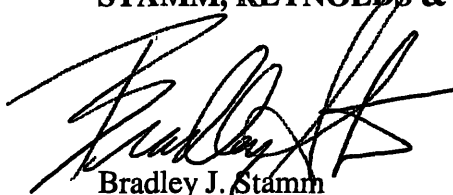
I am in receipt of your letter dated July 18, 2005 concerning my Resubmission of Complaint against Jack Davis, et al. I have made the required corrections and enclose herewith the corrected complaint.

Please note that I am not enclosing the attachments as they have been submitted previously on two occasions. I trust you still have the attachments in your file. Please contact me if that is not the case.

Thank you for your courtesies.

Very truly yours,

**STAMM, REYNOLDS & STAMM**



Bradley J. Stamm

BJS/mmb  
Enclosure

**STAMM, REYNOLDS & STAMM**  
**ATTORNEYS & COUNSELLORS AT LAW**  
**5555 MAIN STREET**  
**WILLIAMSVILLE, NY 14221**

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**PHONE: 716-631-5767**  
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July 22, 2005

Federal Election Commission  
Office of the General Counsel  
999 E Street, NW  
Washington, DC 20463

**MUR #** 5672

Re: Resubmission of Complaint against Jack Davis, et al.

Dear Sir or Madam:

We respectfully re-file this complaint against the Save American Jobs Association, the Save Jobs Party political committee, Jack Davis for Congress and Jack Davis. Specifically, this complaint challenges the tax status of the Save American Jobs Association under the Internal Revenue Code (hereinafter "IRC"), and seeks an investigation into prohibited corporate in-kind contributions and reporting violations under the Federal Election Campaign Act of 1971 (as amended) (hereinafter "FECA"), and the Bipartisan Campaign Act of 2002 (hereinafter "BCRA"), as well as improper use of corporate contributions under New York state law.

**I. FACTUAL BACKGROUND**

Jack Davis ran for Congress in 2004, and lost. Originally a registered Republican, Davis switched his registration to Democrat to facilitate his 2004 run. His platform focused almost exclusively on anti-trade policies. As a result of legal violations, Davis paid a \$1,000 fine to the Federal Election Commission. See ADR 215/MUR 5593 (Negotiated Settlement) (attached as Exhibit 1).

Since losing, Davis has established what he claims to be a section 501(c)(4) non-profit corporation, his own political party committee, and appears to be once again running for Congress. Davis' various entities are in reality one in the same, where one subsidizes the other, includes duplicative information (including express campaign material being published by the non-profit), foists the same anti-trade campaign rhetoric on the public, and otherwise serves as a vehicle for Davis to self-promote.

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COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2005 JUL 27 A 10:08

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The 501(c)(4) non-profit is established as a corporation under New York law, and is called "Save American Jobs." Its web address is [www.saveamericanjobs.us](http://www.saveamericanjobs.us) (attached as Exhibit 2). The political party is called the "Save Jobs Party," with web address, [www.savejobsparty.com](http://www.savejobsparty.com) (attached as Exhibit 3). The websites for both entities have striking resemblances, both in format and content, including hyperlinks from one to the other, as well as references to Jack Davis' previous bid for Congress in the 2004 cycle and his likely bid in the 2006 cycle. The objectives of these two entities are nearly one and the same: to promote the idea that free trade and trade agreements like NAFTA and the WTO are destroying the American economy and shipping American jobs overseas. Both sites are based on the same set of issues and employ identical language to uphold these issues.

Unfortunately for Davis (but nonetheless consistent with his past transgressions), his scheme is illegal, as you cannot have a web of non-profit and political entities all dedicated to the same purpose, all doing the same thing, and sharing and using the same resources.

## II. LEGAL ANALYSIS

### A. *The Save American Jobs Association cannot operate as a 501(c)(4) non-profit, because it engages in partisan politics.*

Entities organized under section 501(c)(4) of the Internal Revenue Code (IRC) face limits on their activities. Such entities must be primarily engaged in activities that justify their tax-exempt status – specifically, "social welfare" activities. IRS regulations are clear that partisan political activity does not promote such a permissible tax-exempt purpose. Specifically, "the promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office." Treas. Reg. 1.50(c)(4)-1(a)(2)(ii).

Davis' non-profit appears to do nothing except partisan work, as it is synonymous with the Save Jobs political party. Perhaps the most egregious example of the non-profit engaging in partisan political work was the initial announcement regarding the formation of the political party (attached as Exhibit 4). Remarkably, the non-profit issued a "major political announcement," announcing the formation of the political party. This announcement was issued from a non-profit email address ([ellis@saveamericanjobs.us](mailto:ellis@saveamericanjobs.us)), and the contact information clearly stated the message was from the non-profit, as it included the full name of the non-profit, its web address, a non-profit email and phone number. *Id.*

This was not the first time Davis chose to commingle various entities. In late November, 2004, Davis personally sent an email from his campaign email to his campaign list announcing the formation of his 501(c)(4) (attached as Exhibit 5). The campaign email provided contact information for the non-profit.

Even a cursory review of the various entities' websites shows that the overlap is staggering, and that the non-profit engages in partisan political activity:

- On its website, the non-profit has campaign video of Jack Davis, video which even includes a statement by Davis that, "I'm running for Congress because . . ."
- The non-profit and party committee share the same fax number – (716) 542-5225.
- Both use the same street address, the only difference being a different box number – 12600 Clarence Center Road, Akron, New York 14001.
- Like the address, phone numbers are similar, as both begin (716) 542-520\*.
- Both the party committee and the non-profit share the identical staff. Both are chaired by Jack Davis, Jeffrey Bono III serves as executive director of both entities, Matt Bova is the deputy director for both, and Curtis Ellis serves as the communications director for the party and non-profit. (attached as Exhibits 6 and 7).
- The communications director lists the same phone number as the contact for each entity – (212) 995-0589. The same is true of the fax number – (212) 995-0589.
- Both the political party and the non-profit use the same logo – "saving American jobs, farms and industry" – and both use the same draped flag logo, and use the same picture of Jack Davis.

The overlap continues to this day. On June 7, the non-profit issued a press release (which in reality was yet another self-serving self-promotional statement by Jack Davis) – but once again, it provided the political party's telephone number in the contact information (attached as Exhibit 8).

Finally, local news reports also support the overlap between the non-profit and political party, and their overlapping partisan campaign purpose and activities. As reported by the *Lockport Journal*, "The [political] party is a spin-off of the Save American Jobs Coalition, the 501-C4 enterprise that Davis founded after the election to keep pushing his free-trade stance." *Lockport Journal* (May 22, 2005) (attached as Exhibit 9).

***B. As a corporate entity, the Save American Jobs Association may not provide anything of value to Jack Davis' political campaign, and both Federal and state law severely limit a political party committee's use of corporate resources.***

Under FECA and BCRA, all corporations, including unincorporated trade associations and not-for-profit membership corporations, are barred from making contributions to and expenditures on behalf of candidates for federal office. 2 U.S.C. §

27044160743

441b(a). This broad prohibition applies to the use of corporate funds in connection with conventions and primary, special and general elections, and candidate exploratory committees, testing the waters operations and the like. *See* 11 CFR 100.7(b)(1)(i) and 100.8(b)(1)(i) (funds raised to test the waters are subject to the Act's contribution limits, and an individual who is testing the waters may not accept funds from prohibited sources).

Here, the non-profit is a corporate entity established under New York state law (attached as Exhibit 10). It has made prohibited contributions to Jack Davis. On its website, the corporate non-profit includes campaign video of Davis – in other words, corporate resources are being used to further Davis' political candidacy (attached as Exhibit 11). Moreover, Davis has already paid a visit to Washington, DC to visit with the chairman of the Democratic Congressional Campaign Committee. And the media has reported that "Millionaire [Davis] Eyes Reynolds Rematch," and that "...Davis has made no secret about his interest in a repeat run for the 26<sup>th</sup> district seat . . . ." Millionaire Eyes Reynolds Rematch, *Roll Call* (March 2, 2005) (Exhibit 12).

Inevitably, and despite his own actions, Davis will assert that he is not actually a candidate, that he has not officially declared, or offer a similar excuse. But such excuses are irrelevant here. Even if he is merely testing the waters, such activity cannot be undertaken with the use of corporate funds. Thus, the use of the non-profit to disseminate campaign material (and to promote Davis and his issues platform) is prohibited. But regardless of what Davis claims, an entity that Davis founded and chairs is publishing to the public video of Davis that includes him stating that he is running for Congress. Commission regulations are clear that making statements that refer to oneself as a candidate constitutes campaigning, 11 CFR 100.7(b)(1) and 100.8(b)(1), thus triggering reporting obligations.

The same problem exists with respect to the use of corporate non-profit resources to support the political party. BCRA has placed significant restrictions on a state party's ability to use such resources unfettered, having essentially imposed federal rules on what had been traditional state party activity. Similarly, New York law imposes limits on such contributions, and requires the use of virtually all such funds for so-called "housekeeping."

Clearly, the political party (and Davis' campaign) has received many things of value from the corporate non-profit. In addition to the overlapping, identical staff, common fax numbers and phone numbers, and the like, the non-profit has made public communication clearly identifying both the party committee and Davis (in his capacity as a candidate). For example, the political party's initial launch was announced by the non-profit. It came from a non-profit email, and included non-profit contact information. Most remarkable is that the party announcement was sent to the list developed and maintained by the non-profit.

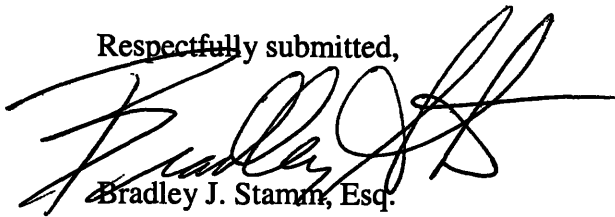
Such in-kind contributions must be reported by the party committee. But its reporting is confusing – in its own materials, sometimes it calls itself a party committee,

but in other instances, it claims it is a political action committee. The FEC has already inquired as to whether or not the political party committee is affiliated with other entities (attached as Exhibit 13).

### III. CONCLUSION

For the foregoing reasons, we respectfully request that the Save American Jobs Association be stopped from operating as 501(c)(4) non-profit; that Save American Jobs Association, the Save Jobs Party, Jack Davis and his campaign be fined for illegal use of corporate money, and in the event the Federal Election Commission finds that such violations were knowing and willful, refer the matter to the United States Department of Justice.

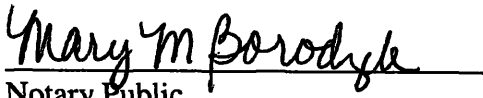
Respectfully submitted,



Bradley J. Stamm, Esq.

STAMM, REYNOLDS & STAMM  
5555 Main Street  
Williamsville, New York 14221  
(716) 631-5767

Subscribed and Sworn to before me this 22nd  
Day of July, 2005



Notary Public

MARY M. BORODZIK  
Reg. No. 01806013951  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires 09/28/06

27044160745

**EXHIBIT 1**

27044160746



FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, DC 20463

Case Number. ADR 215  
Source. MUR 5593  
Case Name. Jack Davis for Congress

### **NEGOTIATED SETTLEMENT**

This matter was initiated by a signed, sworn and notarized complaint filed by Bradley J. Stamm. Following a review of the matter and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended ("the FECA"), and to resolve this matter, the Federal Election Commission (the "Commission") entered into negotiations with Jack Davis on behalf of Jack Davis for Congress and Robert Davis, Treasurer (the "Respondents" or the "Committee"). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents have addressed all the issues raised in this matter. The parties have agreed to resolve the matter according to the following terms:

1. The Commission has entered into this agreement as part of its responsibility for administering the Federal Election Campaign Act and in an effort to promote compliance with the FECA on the part of the Respondents. The Commission's use of ADR procedures is authorized in "The Administrative Dispute Resolution Act of 1996", 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents have voluntarily entered into this agreement with the Commission.
3. The complainant alleged that Respondents failed to include disclaimers on campaign material distributed by the Committee. The complaint asserts that Respondents' mailings, web site, and newspaper advertisements either did not contain the appropriate disclaimer notices or those that did include disclaimer notices were incomplete and thus not in conformity with the requirements of the regulations.
4. Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, mailing or any other type of general public political advertising, or whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution through any broadcasting station, newspaper, magazine etc. or any other type of general public political advertising or makes a disbursement for an electioneering communication, such communication if paid for and authorized by a candidate, an authorized by a political



committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. 2 U.S.C. §§ 441d(a) and 441d(a)(1) and 11 C.F.R §§ 110.11(a)(1), (2), (3) and (b)(1).

5. Any printed communication as described in the foregoing paragraph shall be of sufficient type size to be clearly readable by the recipient of the communication; be contained in a printed box set apart from the other contents of the communication; and be printed with a reasonable degree of color contrast between the background and the printed statement. 2 U.S.C. § 441d(c) and 11 C.F.R. § 110.11(c).
6. Respondents acknowledge errors in failing to place disclaimer notices in boxes and in appropriate size and contrast as required in the regulations. Respondents note that while some campaign material and mailings failed to advise that the communications were paid for by Jack Davis, they believed they complied with the "spirit of the law".
7. In order to resolve this matter and avoid similar errors in the future, Respondents agree to: 1) send the Committee's treasurer to a FEC seminar on federal election campaign finance reporting requirements for campaign committees; and 2) pay a civil penalty of \$1,000. In the event that the Committee decides to conclude its activities and, therefore, not attend a FEC seminar, Respondents agree to work with the Commission staff to expeditiously terminate the Committee.
8. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
9. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District for the District of Columbia to secure compliance and/or forward any outstanding civil penalty to the US Treasury for collection.
10. This agreement will become effective on the date signed by all the parties and approved by the Commission. Respondents shall comply with the terms of this settlement within twelve months (12) months of the effective date of this agreement for item one (1) and within thirty (30) days of the effective date of the agreement for item two (2) as listed in paragraph seven (7) above.
11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 215/MUR 5593 and effectively resolves this matter. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

FOR THE COMMISSION:

Allan D. Silberman,  
Director, Alternative Dispute Resolution Office

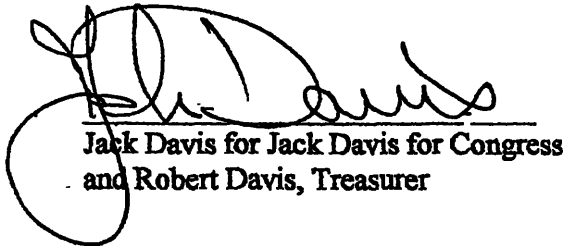


Allan D. Silberman

March 2, 2005

Date

FOR THE RESPONDENT:



Jack Davis for Jack Davis for Congress  
and Robert Davis, Treasurer

FEB 11 2005

Date

**EXHIBIT 2**

27044160750

# SAVE AMERICAN JOBS

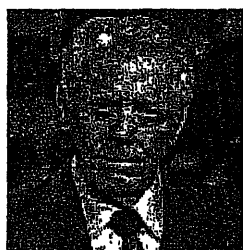
*Saving American Jobs, Farms, and Industry*

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## Save American Jobs Association Mission Statement

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**Jack Davis**  
Founder  
*Save American  
Jobs  
Association...*  
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*Let family,  
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colleagues know  
about Save  
American Jobs.  
Just enter an  
email address.*

The mission of Save American Jobs Association is to save American jobs, farms and industries.

We are committing economic suicide - If America is to be strong we must grow, dig, and make the products we consume.

NAFTA, WTO, and other Free Trade Agreements are destroying America's economy.

To level the trading field, free trade policies must be replaced by balanced trade.

Protective tariffs must be applied to balance the trade deficit.

To accomplish our mission we must educate and recruit individuals who will work to change our federal government's free trade policies.

Jack Davis,  
Founder, Chairman, and Patriot

## Founding Principles of Save American Jobs Expressed in the Speeches and Debates of Jack Davis

► Adam Young - The Stylus (SUNY College at Brockport, NY):

### Professors Debate Free Trade's Efforts

The debaters who were against free trade were **Jack Davis**, a manufacturing business owner, and Amy Guptill, SUNY Brockport assistant professor in the department of sociology. The debate lasted two hours as the two sides contested whether free trade was

Ex. 2

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## Jack Davis on CNN

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advantageous or damaging to American society. Davis stated that free trade is not "balanced" and that tariffs are necessary to protect American workers. Davis founded an organization called **Save American Jobs** in order to garner members to support his cause...

► Campaign 2004:

### The Economic War

I will champion a new United States trade policy of "balanced trade." If a country desires to sell products to the United States, that country will be required to buy an equal dollar-for-dollar amount of products or services from the United States. To balance trade a system of adjustable tariffs will be used...

Ⓜ Campaign 2004:

### Free Trade -- A Failed Economic Policy

Free trade, NAFTA and the WTO are destroying America... Every decision our elected officials make should be based on one principle -- will it be good for all Americans...

► June 21, 2004:

### The Case Against Free Trade, NAFTA and WTO

The theory is that free trade allows access to low cost consumer goods, therefore improving the standard of living faster than wages increase. The theory also goes that workers who lost their jobs to imported foreign products would quickly find other jobs and that the trade deficit would decrease. That is, we are better off and have a higher standard of living due to free trade. Wrong. None of this has happened in America. We have been misled...

► June 9, 2004:

### Balanced Trade - Not Free Trade

America needs Balanced Trade. Balanced trade described in simple terms is, if a country desires to sell products to the United States, they are required to buy an equal dollar amount of products or services from the United States...

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## Save American Jobs Association

**Jack Davis - Chairman**

12600 Clarence Center Road, P.O. Box 2005, Akron, New York 14001

Tel: 716.542.5200 Fax: 716.542.5225

Web: [www.saveamericanjobs.us](http://www.saveamericanjobs.us) Email: [jack@saveamericanjobs.us](mailto:jack@saveamericanjobs.us)  
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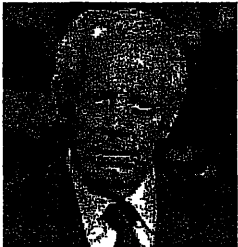
**EXHIBIT 3**

27044160754

# SAVE JOBS PARTY

*Saving American Jobs, Farms, and Industry*

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**Jack Davis**  
Chairman  
Save Jobs Party  
[Click here for bio](#)

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**Jack Davis on  
CNN**  
*Comments on Lou  
Dobbs...*  
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## Save Jobs Party

WKBW-TV News Coverage

The Save Jobs Party is a New York State Political Party. The party is committed to saving American jobs, farms and industries and preserving the American standard of living. For America to be strong, we must grow, dig, or make the products we consume.

The national Republican and national Democratic Parties support Free Trade policies, embodied in Free Trade Agreements such as NAFTA (North American Free Trade Agreement) and WTO (World Trade Organization) that are destroying America's economy.

Misguided trade policies have decreased wages for American workers and decreased profits for American farms and industries. These policies are responsible for a trifecta of record trade deficits, record budget deficits, and record personal deficits. Continuing these misguided policies amounts to national economic suicide.

## NATIONAL PLATFORM

1. We will lead the battle to Save American Jobs, Farms and Industries.
2. We support legislation to cancel the United States' membership in the World Trade Organization (WTO) and all



*Interview with Lou Dobbs...*

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free trade agreements.

3. We oppose signing new free trade agreements.
4. We support the use of trade balancing tariffs to level the playing field, and reduce the trade deficit.
5. We support enforcement of America's immigration laws.
6. We oppose privatizing social security accounts.
7. We support legislation that directs all government jurisdictions to buy American products and services.

## **STATE PLATFORM**



1. We support reforming Medicaid spending mandated by Albany to bring Medicaid costs in line with the national average.
2. We support the creation of an independent and non-partisan commission that will draw Assembly, State Senate and Congressional districts so we have elected officials answerable to voters, not political bosses.
3. We support the elimination of the Thruway Authority tolls at the Breckenridge and Ogden toll booths.
4. We support moving the toll booths further from their Williamsville and Lackawanna locations.

## **WESTERN NEW YORK PLATFORM**



1. We support taking control of the hydro electric power generated at Niagara Falls. This is Western New York's asset and should not be distributed over the northeastern United States.

## ERIE COUNTY PLATFORM

---

1. We support appointing a non-partisan commission of acknowledged experts in municipal government to study what services should be provided and how they can be provided at the lowest cost.
2. We support a charter review commission to consider the restructuring of county government. Alternative structures should be open for discussion, including replacing the elected office of the county executive with a strong, professional county administrator answerable to a policy-setting legislature. Erie County needs professional management to deal with the fiscal crisis.
3. We support appointing a non-partisan commission to study the wages, hours worked, number of paid holidays, vacation days and health care insurance. Retirement age, income, and health care coverage will also be studied. The county employee's total package should average that of the workers that pay the taxes.

Jack Davis, Chairman  
Save Jobs Party  
May 10, 2005

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### Save Jobs Party

**Jack Davis - Chairman**

12600 Clarence Center Road, P.O. Box 466, Akron, New York 14001

Tel: 716.542.5204 Fax: 716.542.5225

Web: [www.savejobsparty.com](http://www.savejobsparty.com) Email: [jack@savejobsparty.com](mailto:jack@savejobsparty.com)

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**EXHIBIT 4**

27044160758

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credit card choices

Folders [Add - Edit]

Inbox  
Draft  
Sent  
Bulk [Empty]  
Trash [Empty]What's your Credit  
Score? See it FREE!Get unlimited calls  
to U.S./CanadaFREE mtg quotes  
Low 2.9% Rates!\$300k Loan  
\$1190/mo. Go![Previous](#) | [Next](#) | [Back to Messages](#)[Printable View](#) - [Full Headers](#)[Delete](#)[Reply](#)[Forward](#)[Spam](#)[Move...](#)This message is not flagged [ [Flag Message](#) - [Mark as Unread](#) ]**From:** "Save American Jobs" <ellis@saveamericanjobs.us> [Add to Address Book](#)**To:** smychajl@wgrz.gannett.com**Subject:** ADVISORY: SAVE JOBS PARTY LAUNCH 5/17**Date:** Fri, 13 May 2005 11:34:24 -0400**MEDIA ADVISORY – MEDIA ADVISORY - MEDIA ADVISORY****MAJOR POLITICAL ANNOUNCEMENT - TUESDAY MAY 17****WHAT:**

New York voters tired of business as usual have another choice: the **SAVE JOBS PARTY**. The formation of this **NY State political party** will be announced, and candidates introduced, at a press conference on Tuesday May 17 on the steps of Buffalo City Hall.

**WHO:**

**Jack Davis**, Erie County industrialist and 2004 Congressional candidate, announces the launch of the Party, introduces the platform and

**SAVE JOBS PARTY** first endorsed candidate, a legislator whose father's job was moved to Mexico.

Party supporters from business and labor

**WHEN:**

Ex.4

TUESDAY MAY 17 10:30 AM

**WHERE:**  
STEPS OF BUFFALO CITY HALL

**CONTACT:**

Curtis Ellis

**MORE INFORMATION:**  
[www.savejobsparty.com](http://www.savejobsparty.com)

Curtis Ellis  
Communications Director

[ellis@saveamericanjobs.us](mailto:ellis@saveamericanjobs.us)  
Save American Jobs Association  
Phone: 716 542-5200  
[www.SaveAmericanJobs.us](http://www.SaveAmericanJobs.us)

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**EXHIBIT 5**

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To: billpauly@adelphia.net

Subject: UPDATING CONTACT LIST

Date: Wed, 24 Nov 2004 11:26:19 -0500

November 24, 2004

Hello to all,

We are in transition, coming off the election and separating the Jack Davis for Congress Web Site, e mail, and contacts. It would further expedite this process if each of you would be so kind as to help with our new listings. Jack is forming an Association to continue the fight to SAVE AMERICAN JOBS, FARMS AND INDUSTRIES. Details will follow as they develop.

It would be most appreciated if you could reply to this e mail with pertinent information. If there is any item you are not comfortable in responding to, simply leave it blank. If all you want to supply is your name and e mail address that is fine also. To be better appraised of our ongoing effort it would be best to fill in at minimum name, confirmed e mail, and home address (in the event of mailings). Please reply to the following address:

[saveamericanjobs@saveamericanjobs.us](mailto:saveamericanjobs@saveamericanjobs.us) (NEW E MAIL ADDRESS to reach JACK DAVIS)

Or:

You may still reach Jack at:

Jack Davis

Save American Jobs Association

12600 Clarence Center Road

P O. Box 2004

Akron, NY 14001

542-5200

or myself, Sandra R. Workman-Miles, (Sandy is fine) at the above also

**CONTACT INFORMATION**

Name \_\_\_\_\_

Address: \_\_\_\_\_

Ex. 5

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

Confirm e mail address: \_\_\_\_\_

Other information, if you wish to share:

Party Affiliation. \_\_\_\_\_

Would you be interested in volunteering? \_\_\_\_\_

Can you tell us a bit about yourself? Anything you feel would help us to understand more about you, and what may be important concerns you have regarding our economy, the job situation you may be faced with due to outsourcing- as examples.

Are you a Veteran?

Are you retired?

Anything more you are comfortable with sharing. This information will remain with us.

Thank you!

Sandy

[saveamericanjobs@saveamericanjobs.us](mailto:saveamericanjobs@saveamericanjobs.us)

**THANKSGIVING HOLIDAY!**

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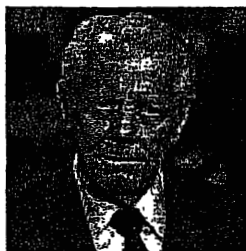
**EXHIBIT 6**

27044160764

# SAVE AMERICAN JOBS

*Saving American Jobs, Farms, and Industry*

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**Jack Davis**  
**Founder**  
 Save American  
 Jobs Association...  
[Click here for bio](#)

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 know about Save  
 American Jobs. Just  
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## Staff Contact Information

### Save American Jobs Association Staff Members

► **Jack Davis - Chairman**  
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 Fax: 716 542-5225  
[jack@saveamericanjobs.us](mailto:jack@saveamericanjobs.us)

► **Jeffrey Bono III - Executive Director**  
 Phone: 716 542-5200, Ext. 13  
 Fax: 716 542-5225  
[jeffbono@saveamericanjobs.us](mailto:jeffbono@saveamericanjobs.us)

► **Matt Bova - Deputy Director**  
 Phone: 716 542-5200, Ext. 18  
 Fax: 716 542-5225  
[mattbova@saveamericanjobs.us](mailto:mattbova@saveamericanjobs.us)

► **Curtis Ellis - Director of Communications**

[ellis@saveamericanjobs.us](mailto:ellis@saveamericanjobs.us)

Ex. 6

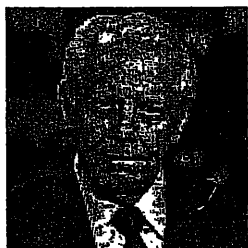
**EXHIBIT 7**

27044160766

# SAVE JOBS PARTY

*Saving American Jobs, Farms, and Industry*

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## Staff Contact Information

### Save Jobs Party

**Jack Davis**  
Chairman  
Save Jobs Party  
[Click here for bio](#)

► Jack Davis - Chairman  
[jack@savejobsparty.com](mailto:jack@savejobsparty.com)

**Join Today!**  
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► Jeffrey Bono III - Executive Director  
[jeffbono@savejobsparty.com](mailto:jeffbono@savejobsparty.com)

► Matt Bova - Deputy Director  
[mattbova@savejobsparty.com](mailto:mattbova@savejobsparty.com)

► Curtis Ellis - Director of Communications

[ellis@savejobsparty.com](mailto:ellis@savejobsparty.com)



**Tell others...**  
Let family, friends  
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Just enter an email  
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Ex. 7

6/15/2005

**EXHIBIT 8**

27044160768

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**From:** "Save American Jobs" <ellis@saveamericanjobs.us> 
**To:** "Curtis Ellis (office)" <ellis@saveamericanjobs.us>

**Subject:** GM JOB CUTS : JACK DAVIS STATEMENT

**Date:** Tue, 7 Jun 2005 15:33:28 -0400

# SAVE AMERICAN JOBS ASSOCIATION

**FOR IMMEDIATE RELEASE**
**CONTACT**

Tuesday June 7, 2005

 Curtis Ellis 212 995-0589, 917 861-2233  
 Jeff Bono 716 542-5200

[ellis@saveamer](mailto:ellis@saveamer)

## GM TO CUT AMERICAN JOBS STATEMENT BY JACK DAVIS

General Motors Corp, the world's largest automaker, will cut at least 25,000 U.S. manufacturing end of 2008 and close additional assembly and parts plants to reduce costs, Chief Executive Rick Wagoner said.

The automaker ALREADY cut North American production 12 percent in the first quarter and plan: percent reduction this quarter. Another 9 percent drop is slated in the third quarter after U.S. sales fell for the fourth month in five this year.

Statement by Jack Davis, Chairman of Save American Jobs Association:

Ex. 8

"They used to say as GM goes, so goes the nation. Well, the way GM is going, we're all going to be in the pot. This is a disaster.

"GM has to realize that cutting jobs is not going to solve the problem. Otherwise, they could just cut all their jobs right now and let the US government pick up the health care and pension benefits."

"We have to get real about addressing the advantage foreign producers have over American industry. We need to change the tax and trade policies that make it more profitable to invest overseas than here in America. And we can't be shy about using trade balancing tariffs to stop the hemorrhage of jobs."

More information at [www.SaveAmericanJobs.us](http://www.SaveAmericanJobs.us) The Save American Jobs Association opposes offshore outsourcing and supports the use of tariffs, buy American provisions and other measures to save American jobs, farms and industries.

-30-

## **JACK DAVIS IS AVAILABLE FOR INTERVIEW**

*Save American Jobs Association ~ P.O. Box 2005 ~ Akron, New York 14001 ~ 716 542-5200*  
[www.saveamericanjobs.us/](http://www.saveamericanjobs.us/)

Curtis Ellis

Save American Jobs, Farms and Industries  
 716 542-5204

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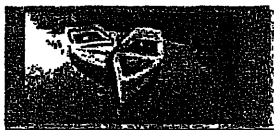
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**EXHIBIT 9**

27044160771





# Lockport Journal

170 East Ave. — Lockport, NY 14094 — (716) 438-9222

## Save Jobs coalition reaching for party status

Joyce M. Miles

Sunday, May 22, 2005

Jack Davis has a message for Republican "lifers" who'd rather die than vote Democratic.

Join him on the Save Jobs party line, and you can still face yourself in the morning.

"The Republican Party is hosing the farmer, hosing the middle class, and people don't see it — even intelligent people who should know better," he says. "The attitude is, 'I vote Republican because my dad was a Republican and I love my dad.'"

Davis said he knows something about that attitude, since he was a GOP lifer himself, until he formed the unshakable sense his grand old party wasn't going to budge in its support of U.S. industry-crushing free trade. He decided to take his former party on the conventional way — by registering and running for office as a Democrat.

With little more than token support from the Democratic establishment, Davis gave U.S. Rep. Thomas Reynolds, R-Clarence, a close run in parts of the 26th district last fall. From Buffalo to Perry, he stumped for cancellation of free-trade agreements and replacement with "balanced" pacts that he argues would lift ailing American manufacture and farming.

Davis wound up pulling off an upset in Niagara County and took 48 percent of the vote in Erie, Reynolds' home base, but he was trounced in the overwhelmingly GOP-registered rural parts of the district that he thought should have been equally receptive to his message.

The lesson in that experience, he said, is that, "we've got to reach out to the Democrats and the Republicans who would never vote for the other party. We've got to give Republicans a choice — vote for a Democrat or vote for a minority party."

Hence the Save Jobs party, with a platform touching not just on free trade but issues at all levels of government, from opposing privatization of Social Security to demanding New York Power Authority sell low-cost power to western New York first to seeking non-partisan scrutiny of Erie County government.

It's not a statewide party, and won't be, unless its endorsed candidates can bring in at least 50,000 votes in a gubernatorial election. The next one in New York isn't until next year.

Save Jobs can get signatures and run candidates in local races, though, and the effort taking off could provide Davis and supporters a more influential seat at the political table, according to Kevin Hardwick, a professor of political science at Canisius College.

"(Save Jobs) is a great name. It embodies the spirit of the campaign Davis waged last year and people can identify with it," Hardwick said.

New York, is one of two states in the nation in which minor party lines can have real impact in elections. The state allows "fusion," meaning a candidate can run on multiple lines and add up the votes for a grand total. In most states, candidates who run on different lines essentially run against themselves because the line counts can't be added together.

Ex. 9

In Niagara Falls, former Mayor Irene Elia, a Republican, was able to score a victory in an overwhelmingly Democrat-registered city by getting votes on the Rebuild Niagara line, Hardwick said.

Another example: The Independence party, formerly the Independence Fusion party, has risen in the ranks from long shot to power player in elections, in a relatively brief time. Because of the votes it drew in 2002, when Tom Golisano carried the party banner in the gubernatorial race, Independence candidates are now listed third on the ballot. Conservatives were knocked down to fourth place.

Henry Wojtaszek, chairman of the Niagara County Republican committee, said voters won't be swayed by the pitch.

Wojtaszek zinged Save jobs for the fracas that ensued when Davis formally unveiled the effort last week in Buffalo. Davis announced the new party's first endorsed candidate was Kyle Andrews, a Democratic Niagara County legislator, but Andrews didn't show for the press conference. Andrews later told the Lockport Union-Sun & Journal he hadn't agreed to be there.

"Jack Davis shows a real lack of integrity in not checking with Andrews," Wojtaszek said. "He's starting off on the wrong foot if he wanted to establish credibility."

Republicans shouldn't take too much glee from Save Jobs' awkward start, says Charles Naughton, chairman of the Niagara County Democratic committee.

"Minor lines mean an awful lot - and most of them are captured by the Republicans now," he said. "The axiom in street politics is, 'The more lines you get, the better,' and Democrats are closer philosophically to the issues Jack Davis is championing. ... I want people to vote Democratic, but if (Save jobs) helps my candidates, that's great."

More Save Jobs endorsements are in the works for county and municipal races, Davis spokesman Curtis Ellis said.

The party is a spin-off of the Save American Jobs Coalition, the 501-C4 enterprise that Davis founded after the election to keep pushing his free-trade stance.

The Save Jobs line will be open to any candidates, including endorsed Republicans.

"We're not playing favorites. We're just going with good candidates," Davis said. "So long as they sign - in blood - support for the platform."

Davis, who has not ruled out a rematch with Reynolds in 2006, is the Save Jobs party chairman, but if he runs for office again, he said, he will seek the Democratic nomination.

Jeffrey Bono III, a Newstead Democrat and state Democratic committee member who ran unsuccessfully against Assemblywoman Sandra Lee Wirth, R-Elma, last year, is executive director of the Save American Jobs Coalition.

Deputy director is Matthew Bova, the North Tonawanda Democrat who ran unsuccessfully against state Sen. George Maziarz, R-Newfane.

Contact **Joyce Miles**  
at (716) 439-9222, Ext. 6245.

**EXHIBIT 10**

27044160774

## NYS Department of State

## Division of Corporations

## Entity Information

Selected Entity Name: SAVE AMERICAN JOBS ASSOCIATION INC.

## Selected Entity Status Information

Current Entity Name: SAVE AMERICAN JOBS ASSOCIATION INC.

Initial DOS Filing Date: JANUARY 28, 2005

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC NOT-FOR-PROFIT CORPORATION

Current Entity Status: ACTIVE

## Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O DUKE, HOLZMAN, YAEGER & PHOTIADIS LLP

1800 MAIN PLACE TOWER

BUFFALO, NEW YORK, 14202

## Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

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Ex. 10

EXHIBIT 11

27044160776

**Transcript from Jack Davis campaign video entitled "Economic War"**  
**Linked from Jack Davis' non-profit website, [www.saveamericanjobs.us](http://www.saveamericanjobs.us)**

**Jack Davis:** Hello, I'm Jack Davis. America is at war, and I am not referring to Iraq. We are in an economic war with Red China and we are losing. The shock troops in this war are one-hundred million Red Chinese working for seventy-five cents an hour. No U.S. company can ever compete with slave wages. We have become a nation of consumers of foreign products. Anyone with common sense understands we must stop the flood of imports. Imports are devastating American farms, jobs and industries. Our elected officials are actually encouraging American companies to import products and export jobs. They do this because they believe in a failed and flawed economic theory—free trade. We cannot maintain our middle-class if we export jobs overseas. For a nation to be strong, it must grow, dig or manufacture. I am running for Congress to save jobs, farms and industries. I am an engineer, at one time a naval officer. I am the founder, owner and manager of a successful manufacturing company. When I'm elected, I'll work to scrap any programs that encourage American companies to move jobs and plants overseas. I will vote against any new free trade agreements, and NAFTA and the WTO must go. I will champion a new United States trade policy of balanced trade. If a country desires to sell products to the United States, that country will be required to buy an equal dollar amount of products or services from the United States. To balance trade, a system of adjustable tariffs will be used. I also support enforcing America's immigration laws. I support making our borders secure and I oppose amnesty for illegal aliens. I am a leader and I will not be a tool of any special interest group.

**EXHIBIT 12**

27044160778

could help [redacted] when he launched his self-described guerrilla campaign" in 2000 against then-Rep. Bob Franks (R) and Goldman Sachs CEO Jon Corzine (D) for the Garden State's open Senate seat.

But DiNizio admits that even his popularity as creator of hits such as "Behind the Wall of Sleep" couldn't make a dent against the multimillion-dollar campaigns and political machines that fight just as hard to keep third parties out as they do against each other. In the end, DiNizio only managed to garner about 20,000 votes against Corzine's 1.5 million.

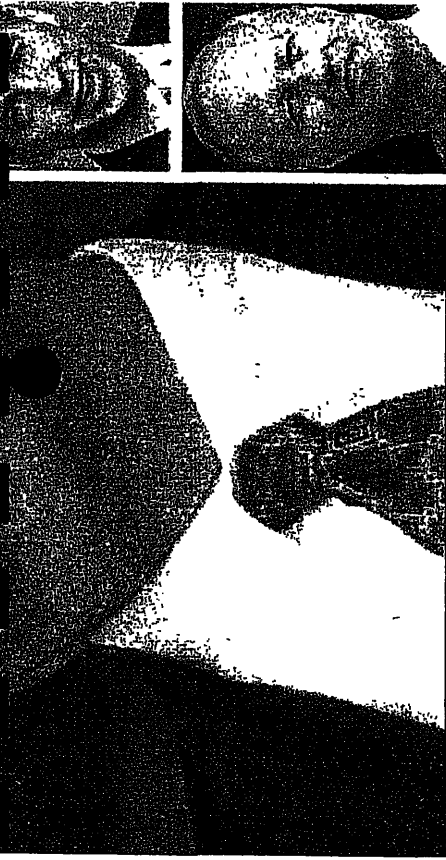
But that's not to say DiNizio has given up on third-party politics. Just check out his Web site — [www.patdinizio.com](http://www.patdinizio.com) — which includes tour updates alongside a mixture of "subversive political stuff" and you'll see that the band leader still likes to encourage his visitors and fans to think about current issues.

"What I decided a long time ago was that I'd like to see the rise of a major third political party that is somewhere in the middle, that is a very accurate reflection of the lives and needs of working people, and that's something that we will achieve," he said. "As far-fetched as it sounds, it's just a matter pushing the right buttons and waiting for the right time to do it."

Thus new political party would probably not be a revived Reform Party, DiNizio said, since the Reform Party has been eroded and fractured by infighting among its major players, who include conservative commentator Pat Buchanan and party founder Ross Perot. But DiNizio has been in contact with several members of the original Reform Party movement who are working with him to create a new "common-sense party for working people who want to be respected."

The plan to launch this new third party in New Jersey is already in the works, DiNizio said, though he was hesitant to say whether it would be up and running

See PLAYERS, page 12



File Photos

State GOP leaders are urging Rep. Bob Beauprez (left) into the Colorado governor's race. University of Denver President Marc Holtzman (top) and state Treasurer Mike Coffman are already preparing to run on the Republican side.

Owens (R).

Owens, who is term-limited out of office in 2006, state Republican Party Chairman Bruce Benson and nursing home executive — and major Republican donor — Ralph Nagel have urged Beauprez to consider the race, according to informed party sources.

That triumvirate has also contacted former Rep. Scott McInnis (R) about a potential gubernatorial bid.

This marks the second time in as many cycles that Beauprez has been recruited to run statewide.

In 2004, Beauprez turned down entreaties to run for the open seat of retiring Sen. Ben Nighthorse Campbell (R). Republicans lost that seat in November.

See BEAUPREZ, page 12

# Millionaire Eyes Reynolds Rematch

By Bree Hocking  
ROLL CALL STAFF

Western New York businessman Jack Davis (D) may have been defeated last November at the polls by his Republican opponent, Rep. Tom Reynolds (N.Y.), but he remains a man on a mission.

For the moment, that mission is to save American jobs from being exported abroad, said Davis, owner of a factory that makes heating element parts in Akron, N.Y. To this end, he's formed a 501(c)(4), the Save American Jobs Association, to advance what was the central focus of his past campaign: opposition to current U.S. trade policy, which he believes is destroying the economy.

But given the fact that Davis has made no secret about his interest in a repeat run for the Empire State's 26th district seat, the organization is also seen by political observers as a means to advance Davis' political ambitions.

Spending more than \$1.2 million from his own pocket last year, Davis took 44 percent of the vote in the Republican-leaning district

"As with most cases when a Congressional candidate creates this kind of foundation, it's a vehicle to get name recognition and hopefully expand their base," said Joe Illuzzi, who runs a Web site on Western New York politics. And for someone who declines to say definitively that he is running, Davis is looking and sounding an awful lot like the presumptive Democratic nominee.

In mid-February he met with Democratic Congressional Campaign Committee Chairman Rahm Emanuel (Ill.) and Rep. Louise Slaughter (D-N.Y.), who represents an adjoining district in Washington, D.C., to discuss a possible rematch with Reynolds. He also conferred with Minority Leader Nancy Pelosi (D-Calif.) and Reps. Marcy Kaptur (D-Ohio) and Bernie Sanders (I-Vt.).

"I said, 'If I run will you help?' and [Emanuel] said, 'Yes,'" Davis said



Davis

That news does not appear to worry Reynolds, the powerful chairman of the National Republican Congressional Committee.

"Congressman Reynolds is focused on serving his district by bringing home job-creating federal funding to the area and working on the issues important to Western New York," said Chad Scarborough, a spokesman for Reynolds. "We expect to have an opponent every two years."

Davis said he is unlikely to make a formal announcement about the race until the end of the year, but during a telephone interview last week, he appeared to slip up at least two times, saying, "the fact that I'm running again" and "when I run again" — though he quickly corrected himself.

"As soon as I announce, then I'm shut off from so many people," the 72-year-old Davis said, pointing to the icy reception he received from former Republican friends and some local business leaders after switching parties due to disputes with the GOP over trade issues.

See DAVIS, page 16

EX-12



# Factory Owner Using Trade Issue to Boost Profile

VIS, from page 11

“I’m invited to speak to groups.”  
 As chairman of Save American Jobs, he’s gained a national platform for his pro-unionist views. He’s already appeared twice year on CNN’s “Lou Dobbs Tonight,” and he has expounded on the impact of the imbalance with China on American jobs what he sees as the links between the latest crisis in New York’s Erie County — a severe revenue shortage may force the laying off of more than 2,000 public employees and these trade policies.

We’re getting hammered by the Chinese ducts coming in here. The WTO and the FTA are killing us. Globalization is not working, and if you come to Buffalo you see the true story,” Davis told Dobbs, a leading critic of outsourcing.

Davis’ CNN appearances weren’t his first national attention, however. He was publicly ousted by Vice President Cheney and knocked out of a fall 2003 GOP fundraiser in Buffalo after attempting to share his views on the administration’s free trade policies.

But Davis has not been entirely without life on the issue himself. During the 2004 campaign, a Rochester television station reported that Davis had made several hundred thousand dollars by investing in companies that used as outsourcees, including Chevron and Heuser Busch. Davis promised then to divest himself of those holdings.

For now, both local and national Democrats appear to have accepted his potential candidacy as their best hope of knocking off Reynolds.

“With his strong showing last year, and his ongoing opposition to the outsourcing of American jobs, Davis proved that he understands problems and issues facing the families of western New York,” Emanuel said in a statement. “The people of Western New York have

responded to Jack Davis as a candidate and the DCCC is enthusiastic to be a part of the Davis team.” (Ironically, only days before Emanuel’s meeting with Davis in February, a DCCC staffer erroneously left a message with Reynolds’ office seeking recommendations for other potential challengers.)

“He is the overwhelming favorite to run again if that’s what he wants to do,” said Erie County Democratic Chairman Leonard Lenihan. “At this point no one else has expressed interest.”

Should he decide to run, Davis will have his work cut out for him.

The district, which stretches from Buffalo to Rochester, has a roughly 50,000 Republican registration overlay and has not sent a Democrat to Washington in decades.

Still, given voters’ dissatisfaction with the bleak economic outlook there and the fact that Davis did as well as he did the previous cycle with no assistance from the national party, Democrats are optimistic about his chances. At the very least, Davis has enough personal resources to give Reynolds fits — and curtail his travels on behalf of the NRCC.

“He forced Reynolds to come back home,” said Mark Poloncarz, a member of the executive committee of the Erie County Democratic Committee and a candidate for Erie County comptroller.

Democrats are also forecasting strong 2006 showings by Sen. Hillary Rodham Clinton (D) and state Attorney General Eliot Spitzer, their all-but-certain gubernatorial nominee.

“That should help turnout for Jack,” Lenihan said.

Because he is a newcomer to the Democ-



File Photo

**Democrats talk boldly, but they’ll have a hard time defeating NRCC Chairman Tom Reynolds.**

ocratic Party, Davis appears to be beefing up his Democratic credentials for a Congressional run by installing well-known Democrats at the helm of Save American Jobs. Jeffrey Bono, the executive director of the group, is a former Democratic candidate for New York state Assembly and has served as the lead fundraiser for the Erie County Democrats. He also happens to be a cousin of the late Rep. Sonny Bono (R-Calif.).

Meanwhile, Matt Bova, the group’s deputy director, is a state Democratic committeeman and a former Democratic candidate for New York state Senate.

The rare Republican listed on the group’s Web site, Davis’ former campaign manager and ex-GOP Erie County legislator William Pauly, is not expected to play a significant role in the organization or to reprise his gig as campaign manager. Pauly is listed as a consultant — information that appeared to be news to Pauly, who was not aware that his name was listed under staff. Pauly said he continues to advise Davis on an unpaid basis on issues he independently researches.

Still, it seems, Davis wasn’t entirely satisfied with Pauly’s performance in 2004, though he stopped short of offering any outright criticism.

“I’m looking for a more experienced person” to serve as campaign manager, said Davis. “I needed someone with experience with the” Federal Election Commission.

The FEC fined Davis’ campaign last year for failing to put the proper authorization line on some of its literature.

“Obviously, Bill has been taken out of the equation,” said one Erie County political insider, who believes ideological and operational differences between Pauly and Davis led to Pauly being “relegated to the role of consultant.”

But both Pauly and the Davis camp said the two men remained friendly and that there had been no falling out.

“Jack Davis continues to be advised by Bill Pauly,” said Curtis Ellis, spokesman for Save American Jobs. “Jack gets advice from a lot of people.”

**EXHIBIT 13**

27044160781



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-1

March 23, 2005

John R. Davis Jr., Treasurer  
Save Jobs Party  
12600 Clarence Center Rd  
PO Box 2005  
Akron, NY 14001

Response Due Date:  
April 22, 2005

Identification Number: C00409995

Reference: Statement of Organization, dated 2/25/05

Dear Mr. Davis:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

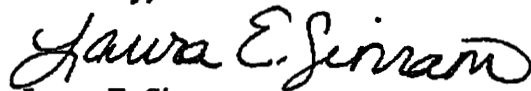
-Any affiliated or connected organization must be identified on your Statement of Organization. For further guidance on affiliated committees and connected organizations, please refer to 11 CFR §§100.5(g) and 100.6. If there are no other committees or organizations with which you share control or financing, please indicate "None" on Line 6. If you do share control or financing with other committees or organizations, please list their names, addresses, and relationships on Line 6. 11 CFR §102.2

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Ex. 13

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1157.

Sincerely,



Laura E. Sinram

Campaign Finance Analyst

Reports Analysis Division